IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 8336 of 2005

Between:

1 K.Ramesh, s/o K.g.damodaram,
r/o T.S.No.6, Block L, Ward No.3, Door No.4/9-D, 4/16 and

4/17, Moola Muttam Thotha, Papavinasanam Road,
Tirumala-517 504.
2 K.Divakar, s/o K.G.Damodaram,
r/o T.S.No.6, Block L, Ward No.3, Door No.4/7-D, 4/9 4/9 A

& 4/12 & 13, Moola Muttam Thotha, Papavinasanam
Road, Tirumala-517 504
3 K.Shankar, s/o K.G.Damodaram,
r/o T.S.NO.6, block L, Ward No.3, Door No.4/7-C, 4/9 4/20

and 4/20-A, Moola Muttam Thotha,
Papavinasanam Road, Tirumala-517 504.
4 K.Madhu Babu, s/o K.g.damodaram,
r/o T.S. No.6, Block L, Ward No.3, Door No.4/7, 4/18 & 4/19,

Moola Muttam Thotha,
Papavinasanam Road, Tirumala-517 504.
5 B.Damayantri @ Mallika, w/o Murali,
r/o T.S.No.6, Block L, Ward No.3, Door No.4/9-A, Moola

Muttam Thota, Papavinasanam Road,
Tirumala-517 504.

..... PETITIONERS

AND

1 Government of Andhra Pradesh, rep., by its Principle

Secretary, Revenue (Endts.III), Department,

Secretariat Buildings, Secretariat, Hyderabad.

2 Special Deputy Collector, (Land Acquisition) T.T.D.Tirupati,

Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ orders or direction more particularly one in the nature of a writ of mandamus declaring the declaration published by the respondents u/s.6 of the L.A.Act, 1894 in "The New Indian Express" News English paper in respect of premises bearing Door No.4/7 to 4/7-B, 4/7-D, 4/9-C, 4/9-D, 4/7-C Moola Mattam Thotha, Papavinasanam Road, Tirumala-517 504 in TS No.6, Block-L, Ward No.3 as illegal, mala fide and void and consequently restrain the respondents from taking any action pursuant thereto including dispossession of the petitioner from the above premises and pass such other order or orders as this Honourable Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:SMT.BOBBA VIJAYALAKSHMI

Counsel for the Respondent : GP FOR LAND ACQUISITION FOR RM - APP- 1 & 2

The Court made the following :

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ORDER:

The writ petition is filed by the petitioners with a prayer to issue a writ or direction more particularly one in the nature of a writ of Mandamus declaring the declaration published by the respondents under Section 6 of the Land Acquisition Act, 1894, as illegal, mala fide and consequently restraining the respondents from taking any action pursuant thereto including dispossession of the petitioner from the premises.

2. The first petitioner has given his sworn affidavit in support of the writ petition. The case of the petitioner as could be seen from the affidavit filed in support of the writ petition is that the petitioner No.1 is the owner of the property bearing Door.No.4/9-D, 4/16 and 4/17, Moola Mattam Thota, Papavinasanam Road, in T.S.No.6, Block-L,

Ward No.3, Tirumala, Chittoor District. The petitioners 2 to 4 obtained vacant land from the Mhant of Moola Mattam and raised the constructions. Petitioner No.5 is a tenant of the 2nd petitioner. Hence all the petitioners have interest in the properties proposed for acquisition.

3. The first respondent issued notification under Section 4 (1) of the Land Acquisition Act proposing to acquire the properties of the petitioners and appointed the second respondent to conduct enquiry under Section 5 (A) of the Act.

4 . The petitioners submitted objections before the Land Acquisition Officer-2nd respondent and he acknowledged the same. According to the petitioners, the second respondent without applying his mind submitted a report to the first respondent recommending rejection of the objections, and thereupon, the 1st respondent, vide Government Memo No.51558/Rev.Endts-III (1)/Dept/03-3 dated 01-04-2005 approved the same. The 1st respondent published the declaration under Section 6 of the Act on 07-4-2005 in the “The New Indian Express” English. The publication is beyond the period of one year from date of the publication of notification under Section 4 (1) of the Act.

5. The respondents filed counter affidavit. One H.Gopinath has sworn to the counter affidavit. It is stated that in the counter affidavit that notification under Section 4 (1) was published in the Official Gazette on 03-04-2004 in newspapers on 7-4-2004 and in the locality on 9-4-2004. The declaration under Section 6 of the Act was published in the Official Gazette on
6-4-2005 and in newspapers on 7-4-2005 and in the locality on
8-4-2005. The declaration under Section 6 of the Act was published in the Official Gazette on 6-4-2005 i.e., within one year from the date of last mode of publication of the Notification under Section 4 (1) of the Act i.e., 9-4-2004.

6. It is explicit from the counter affidavit that draft declaration under Section 6 of the Act has been published within a year from the date of last mode of notification published under Section 4 (1) of the Act. Such is the case the writ petition is devoid of merits and accordingly it is dismissed. No costs.

21st June, 2005.

Mrb

To

1 The Principle Secretary, Government of Andhra Pradesh,

Revenue (Endts.III), Department, Secretariat Buildings,

Secretariat, Hyderabad.
2 Special Deputy Collector, (Land Acquisition) T.T.D.Tirupati,

Chittoor District.

3. Two CCs to G.P for Land Acquisition for RM- APP- 1 & 2.

4. Two CD copies.